

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

ANDREW GRANT; SANDRA DENISE  
KELLY; and ROBIN REISINGER,

Plaintiffs,

vs.

MARRIOTT OWNERSHIP RESORTS,  
INC.; and DOE DEFENDANTS 1-  
100,

Defendants.

CIVIL 16-00451 LEK-RLP

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

DEC 20 2018

at 10 o'clock and 45 min. M.  
SUE BEITIA, CLERK

**SPECIAL JURY VERDICT FORM  
AS TO PLAINTIFF ANDREW GRANT**

You must answer all of the questions, unless otherwise directed in the instructions. You should read the entire Special Jury Verdict Form before proceeding to answer.

Answer the questions in numerical order. Follow all directions carefully. Each answer requires the unanimous agreement of all members of the jury. If you do not understand any question or wish to communicate with the court, you must do so only in writing through the bailiff.

1. Has Plaintiff Andrew Grant shown by a preponderance of the evidence that his race was a motivating factor in the decision to terminate his employment?

Yes \_\_\_\_\_ No ✓

If you answered "Yes" to Question No. 1, then proceed to answer Question No. 2. If you answered "No" to Question No. 1, then proceed to answer Question No. 4 and do not answer Question Nos. 2 and 3.

2. Has Plaintiff Andrew Grant shown by a preponderance of the evidence that his termination from employment caused him damages?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 2, then proceed to answer Question No. 3. If you answered "No" to Question No. 2, then proceed to answer Question No. 4 and do not answer Question No. 3.

3. Please state the amount of damages caused by Defendant Marriott Ownership Resorts, Inc.'s termination of Plaintiff Andrew Grant:

General Damages \$ \_\_\_\_\_

4. Has Plaintiff Andrew Grant shown by a preponderance of the evidence that he was subjected to slurs, insults, jokes or other verbal comments or physical contact or intimidation of a racial nature?

Yes \_\_\_\_\_ No ✓ \_\_\_\_\_

If you answered "Yes" to Question No. 4, then proceed to answer Question No. 5. If you answered "No" to Question No. 4, then proceed to the instructions at the end and do not answer any remaining questions.

5. Has Plaintiff Andrew Grant shown by a preponderance of the evidence that the conduct of a racial nature was unwelcome?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 5, then proceed to answer Question No. 6. If you answered "No" to Question No. 5, then proceed to the instructions at the end and do not answer any remaining questions.

6. Has Plaintiff Andrew Grant shown by a preponderance of the evidence that the conduct of a racial nature was sufficiently severe or pervasive to alter his employment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 6, then proceed to answer Question No. 7. If you answered "No" to Question No. 6, then proceed to the instructions at the end and do not answer any remaining questions.

7. Has Plaintiff Andrew Grant shown by a preponderance of the evidence that a reasonable person in his circumstances would consider the working environment at Marriot Ownership Resorts, Inc. to be a racially hostile work environment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 7, then proceed to answer Question No. 8. If you answered "No" to Question No. 7, then proceed to the instructions at the end and do not answer any remaining questions.

8. Has Plaintiff Andrew Grant shown by a preponderance of the evidence that the racially hostile work environment was as a result of co-workers who were not supervisors?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 8, then proceed to answer Question No. 9. If you answered "No" to Question No. 8, then proceed to answer Question No. 10 and do not answer Question No. 9.

9. Has Plaintiff Andrew Grant shown by a preponderance of the evidence that Defendant Marriott Ownership Resorts, Inc. knew or should have known of racially hostile behavior by a co-worker or co-workers who were not supervisors and failed to take prompt, effective remedial action reasonably calculated to end this behavior?

Yes \_\_\_\_\_ No \_\_\_\_\_

Please proceed to answer Question No. 10.

10. Has Plaintiff Andrew Grant shown by a preponderance of the evidence that the racially hostile work environment was a result of a supervisor?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 10, then proceed to answer Question No. 11. If you answered "No" to Question No. 10 and "Yes" to Question No. 9, then proceed to answer Question No. 13. If you answered "No" to Question Nos. 9 and 10, then proceed to the instructions at the end and do not answer any remaining questions.

11. Has Plaintiff Andrew Grant shown by a preponderance of the evidence that he suffered a tangible employment action as a result of the racially hostile work environment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 11, then proceed to answer Question No. 12. If you answered "No" to Question No. 11, then proceed to the instructions at the end and do not answer any remaining questions.

12. Has Defendant Marriott Ownership Resorts, Inc. shown by a preponderance of the evidence that it exercised reasonable care to prevent and promptly correct the racially hostile work environment, and shown by a preponderance of the evidence that Plaintiff Andrew Grant unreasonably failed to take advantage of any preventative or corrective opportunities provided by his employer or that he unreasonably failed to avoid harm?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "No" to Question No. 12, then proceed to answer Question No. 13.

If you answered "Yes" to Question No. 12, then proceed to the instructions at the end and do not answer any remaining questions.

13. Please state the amount of Plaintiff Andrew Grant's damages which were caused by the racially hostile work environment?

General Damages \$ \_\_\_\_\_

Please stop, sign and date this form, and contact the Bailiff.

DATED at Honolulu, Hawai'i, December 20, 2018.

Signed: /S/ Foreperson

DATED at Honolulu, Hawai'i, December 20, 2018.

Signed: Max Chua  
Foreperson